

REMARKS

In view of the following remarks, Applicants request reconsideration of this application.

Claims 1-8 and 10-15 are pending in this case, with claims 1 and 11-14 being the only independent claims.

Response to Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-8 and 10-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Simpson (CA 2,337,983) in view of Friese (DE 3044823). Applicants respectfully traverse these rejections.

Claim 1 is directed to a safety hook including a main shaft and a chain receiving portion disposed at a first end of the main shaft and dimensioned to receive a chain for coupling a trailer to a towing vehicle. A first bend is disposed at a second end of the main shaft substantially vertically in-line with the chain receiving portion and positioned to extend toward the same side of the main shaft as the chain receiving portion. A second bend depends from the first bend that bends in substantially the opposite direction of the first bend. The second bend has a terminal end that does not extend beyond the first bend.

Simpson discloses a safety hook having a chain receiving portion disposed at a first end of a main shaft, a first bend disposed at a second end of the main shaft and a second bend depending from the first bend. In the safety hook of Simpson, however, the first bend is not “positioned to extend toward the same side of the main shaft as the chain receiving portion” as recited in claim 1. The Examiner acknowledges that Simpson teaches that it is preferable to have the first bend portion bend to the opposite side of the main shaft as the chain receiving member. The Examiner suggests, however, that because Simpson states that that feature is not a limitation on the Simpson invention, it would have been obvious to position the first bend portion to the same side of the main shaft as the chain receiving member in view of Friese. Applicants respectfully disagree.

Obviousness cannot be established unless there is some suggestion or motivation to modify the reference to produce the claimed invention. MPEP § 2142. Applicants respectfully suggest that the cited prior art does not provide such a suggestion or motivation.

Although Simpson indicates that it is not limited to having the first bend portion extending to the opposite side of the main shaft, it gives no direction as to which of the many other possible orientations would likely be successful. At the most, therefore, Simpson does no

more than suggest that that one might try other orientations. This does not render the Applicants' invention obvious. Rather, the Examiner's rejection based on Simpson appears to be based on an improper "obvious to try" rationale. See MPEP § 2145.

Moreover, the use of the safety hook disclosed in Simpson teaches away from locating the first bend portion on the same side of the main shaft as the chain receiving portion and substantially vertically in-line with the chain receiving portion. In particular, Simpson discloses that, in one application, the security hook is engaged with a hole 112 in a platform 114 of a towing vehicle 118, as shown in FIGs. 5 and 8 of Simpson. Simpson describes the process for engaging the hook 10 with the hole 112 at page 6, lines 3-16, which involves "snaking" the second bend 18 through the hole 112 so that the first bend 16 rests above the platform 114 and the second bend 18 rests below the platform 114. With the chain receiving portion 12 disposed on the opposite side of the main shaft 14, as shown in Simpson, there is considerable clearance between the second bend 18 and the chain receiving portion 12 to allow for this "snaking" process.

In contrast to Simpson, positioning the first bend 16 to extend toward the same side of the main shaft 14 as the chain receiving portion 12 and disposing the main shaft 14 substantially vertically in-line with the second bend 18, as recited in claim 1, substantially reduces the clearance between the chain receiving portion 12 and the second bend 18. This reduced clearance can render the "snaking" process of engaging the hook 10 with the hole 112 more difficult. Thus, the application shown in FIGs. 5 and 8 of Simpson essentially teaches away from locating the chain receiving portion 12 and the second bend 18 on the same side of the main shaft 14 and in-line with each other.

Friese does not provide any suggestion to the contrary. The hook of Friese does not include a first bend and a second bend on one end, is not dimensioned to engage a hole in a towing vehicle platform and would not be suitable for the application shown in FIGs. 5 and 8 of Simpson. Thus, there is no motivation to combine Friese and Simpson.

Applicants respectfully submit, therefore, that claim 1 is patentable over Simpson and Friese, taken alone or in combination.

Claims 2-8 and 10 depend from and includes all of the limitations of claim 1. For the reasons set forth above with respect to claim 1, therefore, Applicants also respectfully submit that claims 2-8 and 10 are patentable over Simpson and Friese, taken alone or in combination.

Each of independent claims 11-13 also is directed to a safety hook that includes, among other features, a main shaft and a chain receiving portion. A first bend is disposed at a second end of the main shaft substantially vertically in-line with the chain receiving portion and positioned to extend toward the same side of the main shaft as the chain receiving portion. A second bend depends from the first bend and the first bend bends in substantially the opposite direction of the first bend.

For the reasons discussed above with respect to claim 1, therefore, Applicants respectfully submit that each of claims 11-13 is patentable over Simpson and Friese, taken alone or in combination.

Claim 14 is directed to a security hook for coupling a trailer to a towing vehicle using a chain, the chain being engaged with the trailer, the towing vehicle having a platform with a hole therein. The security hook includes a main shaft having a first end and second end. A chain receiving portion extends from the first end of the main shaft and is dimensioned to receive the chain. A U-shaped hook extends from the second end of the main shaft substantially vertically in-line with the chain receiving portion and is positioned to extend toward the same side of the main shaft as the chain receiving portion. The U-shaped hook is dimensioned to engage the hole in the towing vehicle platform.

Claim 15 depends from and includes all of the limitations of claim 14.

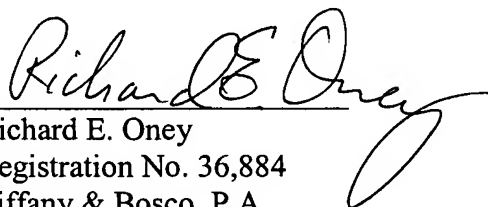
For the reasons discussed above with respect to claim 1, Applicants respectfully submit that each of claims 14 and 15 also is patentable over Simpson and Friese, taken alone or in combination.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete reply has been made to the outstanding Office Action, and that the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,



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Date of Signature